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RESERVE

Legal Status of Women in Manitoba

*As Shown by
Extracts from Dominion and
Provincial Laws*

*Compiled by
MARY E. CRAWFORD*



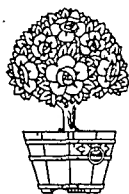
*PUBLISHED BY
THE POLITICAL EQUALITY LEAGUE
OF MANITOBA
1913*



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6-2-40

PREFACE

This pamphlet contains all the amendments relating to any Act mentioned, up to and including the year 1913. It has been compiled solely with the idea of assisting women in Manitoba to obtain a clearer knowledge of the laws affecting them in this Province. It should not in any way be looked upon as a legal guide. A person desiring to have his or her interests legally guarded should consult a qualified lawyer.

Those wishing to obtain fuller information on any of the points touched upon should procure a copy of any Provincial Act which specially interests them from James Hooper, King's Printer for Manitoba, and of any Dominion Act, from the King's Printer, Ottawa. Should, however, any of these Acts have been amended since the date of the last revision, these amendments may be found by looking through the volumes of the succeeding years as published in the Statutes of Manitoba and Canada for each year, which are in the Provincial Library at the Government Buildings. The librarian, J. P. Robertson, and his assistant, Miss Norquary, are, as I have found, at all times ready and willing to give any assistance or suggestion in their power.

Thanks are due to Arthur E. Johnston, of the legal firm of Johnston & Parker, for his kind assistance in the preparation of this pamphlet, and to Miss Winona M. Flett, Convener of the Committee on Literature of the Political Equality League.

Above all, it is to Mrs. Henrietta Muir Edwards, who compiled the pamphlet "Legal Status of Canadian Women," that I am indebted most for the idea itself, and for the form in which it has been carried out. It would be well if her pamphlet were also obtained from the Local Council of Women for the purpose of comparing the laws relating to women in other Provinces with those of our own.

MARY E. CRAWFORD

WINNIPEG, JUNE 1913

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CHAPTER I.—LAWS PERTAINING TO DOMESTIC RELATIONS

1. MARRIAGE

General Statements

- (a) The age limit to a legal marriage is in Manitoba sixteen years (except under certain conditions).
- (b) Marriage may be dissolved only upon application to the Senate of Canada. This is so costly a procedure that unless action is taken as a pauper, only the rich can avail themselves of this way of obtaining a divorce. The cost *without* legal fees is about five hundred dollars—with legal fees, it amounts to about a thousand dollars.
- (c) Marriage, or re-marriage, revokes a will (except under certain circumstances.)
- (d) An *unmarried* mother has the absolute control of her children. The rights of a *married* mother in her children during the life of the father and while she is living with him are not recognized by law.
- (e) The consent of the father only, to the exclusion of that of the mother, is necessary for the marriage of their minor children.
- (f) Marriage may be contracted either by Banns or by License.

EXTRACTS FROM MARRIAGE ACT

Section 2. The following persons being men and resident in Canada may solemnize the ceremony of marriage between any two persons not under a legal disqualification to contract such marriage.

(a) The ministers and clergymen of every church and denomination duly ordained or appointed according to the rites and ceremonies of the churches or denominations to which they respectively belong.

(b) Any minister, evangelist or missionary for the time being, of any church or congregation of the religious people commonly called or known congregationally as "Congregations of God," or "Of Christ," and individually as "Disciples of Christ," who from time to time is chosen by any such congregation for the solemnization of marriage.

(c) Any duly appointed commissioner or staff officer of the religious society called the Salvation Army, chosen or commissioned by the said society to solemnize marriages.

(d) Any catechist, missionary or theological student duly appointed or commissioned by the governing body of any church or religious denomination with special authority to solemnize marriages.

Section 3 sanctions marriages as solemnized by the Jewish rabbis.

* *Section 4.* Every marriage duly solemnized according to the rites, usages and customs of the religious Society of Friends, commonly called Quakers, shall be valid.

*Publication of Banns**Section 5.*

(2) Such intention (to intermarry) shall be proclaimed once openly and in an audible voice either in the church, chapel or meeting-house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting-house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected in the local municipality, parish, circuit, or pastoral charge where one of the parties has for the space of *fifteen days* immediately preceding had his or her usual place of abode; and where both parties do not live in the same municipality, parish, circuit or pastoral charge, and the marriage is not authorized by license or certificate as aforesaid, a similar proclamation shall be made in the local municipality, parish, circuit or pastoral charge (being within Canada), where the other of the contracting parties has for the space of *fifteen days* immediately preceding had his or her usual place of abode; and where the proclamation last mentioned is required, such marriage shall not be celebrated until there is delivered to the person proposing to celebrate it, a certificate (Schedule B) showing that such proclamation has been made or dispensed with (Schedule C).

(3) Every such proclamation shall be made on a Sunday immediately before the service begins, or immediately after it ends, or at some intermediate part of the service.

(4) The said certificate of proclamation of intention shall be signed by the clergyman, minister, clerk, secretary, or other person who actually proclaimed the same, and shall show the official position of the person who signs it.

Section 6. (3) At least two witnesses must be present at the solemnization of any marriage and two witnesses must sign the register.

Section 15. (1) Where in case of an intended marriage either of the parties thereto (not being a widower, or widow) is under the age of eighteen years, the consent of the father of such party, if the father be living, or if the father be dead, the consent of the mother, if living, or of a guardian, if any has been duly appointed, shall be required before the license is issued.

(2) When such consent is necessary, under the preceding subsection, no license, or certificate, shall be issued without the production of the consent, and the issuer or deputy-issuer shall satisfy himself of the genuineness of such consent by satisfactory proof in addition to the affidavit required of one of the parties.

(3) In the case of a party under the age of eighteen years (not being a widower, or widow), if both the father and mother of such person are dead, and there is no guardian of such party duly appointed, the issuer, or deputy-issuer, on being satisfied as to the facts, may grant the license, or certificate.

(4) In case the father or mother, though living, is not a resident of this Province, and is not in this Province at the time of the application for the license, and the party under the age of eighteen years is himself, or herself, a resident, and has been such resident for the preceding twelve months, the issuer, or deputy-issuer, on being satisfied by evidence of these facts, may grant the license, or certificate.

(5) In case it is desired to substitute a proclamation of intention to marry, or dispensation of such proclamation, for the usual license to marry, such proclamation shall not be made, or dispensation granted, if either of the parties to the intended marriage (not being a widower, or a widow) is under the age of eighteen years, without the like consent as provided for by sub-section (1) hereof, except in the cases provided for in sub-sections (3) and (4) hereof.

Section 16. (1) No license, or certificate, shall be issued to any party under the age of *sixteen years*, except where a marriage is shown to be necessary to prevent the illegitimacy of offspring, and a certificate to this effect is given by a legally qualified medical practitioner known to the issuer, and except as aforesaid no person shall celebrate the marriage ceremony in any case in which either of the contracting parties is under the age of sixteen years to the knowledge or information of such person.

(2) If any minister, clergyman, or other person shall celebrate the ceremony of marriage between two persons knowing or believing either of them to be an *idiot* or *insane*, the person so offending shall incur a penalty of five hundred dollars (\$500.00).

Section 17. (1) Before any license, or certificate, is granted by any issuer, or deputy-issuer, or before any proclamation of intention to marry is made, or any dispensation of such proclamation granted under sub-section (5) of Section 15 of this Act, one of the parties to the intended marriage shall personally make an affidavit, which shall state :

(a) In what municipality, or district, it is intended that the marriage shall be solemnized, and in what town, village, or place in the municipality, or district, and

(b) That he, or she, believes there is no affinity, consanguinity, prior marriage, or other lawful cause, or legal impediment to bar or hinder solemnization of the marriage;

(c) That one of the parties has for the space of fifteen days immediately preceding the issue of the license, or certificate, had his or her usual place of abode within the municipality, or judicial district in which (for either municipal or judicial purposes), the local municipality in which the marriage is to be solemnized lies.

Or, (If the municipality, or district, in which it is intended that the marriage shall be solemnized, is not that in which either of the parties has for the space of fifteen days immediately preceding the issue of the license, or certificate, had his or her usual place of abode), that the reason of procuring the marriage to be solemnized in such place is not in order to evade due publicity, or for any other improper purpose.

(d) The age of the deponent, and that the other contracting party is of the full age of eighteen years, or the age of such other contracting party, if under the age of eighteen years, as the case may be.

(e) The condition in life of the parties, whether bachelor, widower, spinster or widow, according to the fact.

(2) The affidavit shall further state the facts necessary to enable the issuer, or deputy-issuer, or head of the church, or congregation, or clergyman, or other person making the proclamation of intention to

marry, to judge whether or not the required consent has been duly given in the case of any party under the age of eighteen years, or whether or not such consent is necessary.

Section 18. Where a party (not being a widower, or a widow) is under the age of eighteen years, the written consent of the person whose consent to the marriage is required, shall be produced and annexed to the affidavit made under the preceding section, and shall be verified by affidavit.

Section 19. (2) The issuer, or deputy-issuer, or minister, or clergyman, or other person, or head of the church, or congregation, before administering the oath to the applicant, shall see that the applicant is aware what degrees of affinity, or consanguinity, are a bar to the solemnization of marriage.

Section 20. (1) In case the person having authority to issue the license, or the minister, or clergyman, or other person having authority to make the proclamation of intention to marry, or the head of the church, or congregation, having authority to grant a dispensation of such proclamation, has personal knowledge that the facts are not as Sections 15 and 16 of this Act require, he shall not issue the license, or make the proclamation, or grant the dispensation, and if he has any reason to believe or suspect that the facts are not as aforesaid, he shall, before proceeding, require further facts to his satisfaction in addition to the said affidavit.

(2) The issuer, or deputy-issuer, shall forward to the Department of Agriculture and Immigration at Winnipeg, the said affidavit and any further evidence satisfying him of the facts of which he is to be satisfied before issuing his license, together with the written consent to the marriage, when such consent is necessary.

(3) No license, or certificate, shall be issued between the hours of 11 p.m. and 6 a.m. by any issuer, or deputy-issuer, unless he is satisfied from evidence adduced to him that the proposed marriage is legal, and that exceptional circumstances exist, which render the issue of the license, or certificate, advisable.

Section 21. Every issuer of marriage licenses shall pay to the Department of Agriculture and Immigration in advance the sum of \$1.50 for each such license received by him; and he shall be entitled to demand and receive from the person requiring same, the sum of \$2.50.

Section 22. It shall not be a valid objection to the legality of the marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours.

Section 30. Every marriage heretofore or hereafter solemnized between persons not under a legal disqualification to contract such marriage, shall after *one year* from the time of the solemnization thereof, or upon the death of either of the parties before the expiry of such time, be deemed a valid marriage so far as respects the civil rights in this Province of the parties, or their issue, and in respect of all matters within the jurisdiction of the Legislature of Manitoba, notwithstanding the

clergyman, minister, or other person who solemnized the marriage was not duly authorized to solemnize marriages, and notwithstanding any irregularity, or insufficiency in the proclamation of intention to intermarry, or in the dispensation thereof, or in the issue of the license, or notwithstanding the entire absence of either; provided that the parties after such solemnization lived together and cohabited as man and wife, and that the validity of the marriage has not before such death, or prior to the expiry of the said time, been questioned in any suit or action; and provided further, that nothing in this section shall make valid any marriage in case either of the parties thereto had, or has previous to the death of the other, and previous to the expiration of the said *one year*, contracted matrimony according to law, and in such a case, the validity of such marriage shall be determined as if this section had not been passed.

Degrees of affinity and consanguinity which under the statutes in that behalf bar the lawful solemnization of marriage :

A man may not marry his

1. Grandmother
2. Grandfather's wife
3. Wife's grandmother
4. Aunt
5. Uncle's wife
6. Wife's aunt
7. Mother
8. Stepmother
9. Wife's mother
10. Daughter
11. Wife's daughter
12. Son's wife
13. Sister
14. Granddaughter
15. Grandson's wife
16. Wife's granddaughter
17. Niece
18. Nephew's wife
19. Wife's niece
20. Brother's wife

A woman may not marry her

1. Grandfather
2. Grandmother's husband
3. Husband's grandfather
4. Uncle
5. Aunt's husband
6. Husband's uncle
7. Father
8. Stepfather
9. Husband's father
10. Son
11. Husband's son
12. Daughter's husband
13. Brother
14. Grandson
15. Granddaughter's husband
16. Husband's grandson
17. Nephew
18. Niece's husband
19. Husband's nephew
20. Husband's brother

Re deceased wife's sister : Reference R. S. C. 1906. C. 105, S. 2.

A marriage is not invalid merely because the woman is a sister of a deceased wife of the man, or a daughter of a sister of a deceased wife of the man.

2. DIVORCE

Parties in Manitoba wishing to obtain a divorce must apply to the Senate of Canada, which takes the evidence and on its recommendation, if favorable to the granting of the divorce, an Act of Parliament is passed dissolving the marriage.

Women may apply for divorce on the same terms as men.

It is hard to get a decree, and meanwhile the husband may have left the country, and sold his property, unless the wife's lawyers have registered an attaching order against his real estate.

K. B. Act, Section 32. An order or judgment for alimony can be registered against husband's lands in the same manner as any judgment, and has the effect of the registration of a charge by the husband of a life annuity on his lands.

3. MAINTENANCE OF WIVES AND CHILDREN—MARRIED WOMEN'S PROTECTION ACT

Extracts from Wives' and Children's Maintenance Act

Section 2. Whenever any husband has deserted his wife, or has refused or neglected to provide for, or support and maintain his wife, or his wife and family, or whenever any person who has the control of, or who is the guardian or parent of, or is charged with or liable for the support and maintenance of any child, or children, under the age of *sixteen years*, shall without lawful excuse, the burden of proving which shall be on him, desert or wilfully neglect, or refuse to provide for the support and maintenance of said child, or children, as the case may be, such wife, or any person acting on her behalf, or on behalf of the said family, or child, or children, may from time to time apply to any police magistrate, or two justices of the peace, within the judicial district in which the cause of complaint shall have wholly, or partially arisen, for an order, or orders, under this Act.

Section 3. (1) The Court to which any application under this Act is made, may make an order, or orders, containing all or any of the provisions as follows, viz.:

- (a) Weekly or other payments as the Court shall, having regard to the means of the husband, consider reasonable.
- (b) Provision for payment by the husband of the costs of the application and such other reasonable costs of any other party, or parties, as the Court may think fit.

(2) Said magistrates or justices may require said husband to enter into a bond in a sum not exceeding five hundred dollars, with sufficient sureties, who shall severally justify and be approved by said magistrate or justices conditioned for the fulfilment of said order, or to make a deposit of a sum in cash not exceeding two hundred dollars to secure such fulfilment, and if such husband, or other person, does not furnish said bond, or make such deposit to the satisfaction of the said magistrate or justices, he may be committed to the common gaol of the judicial district in which said application is heard by warrant of commitment for such period as said magistrate or justices may direct, unless such bond is sooner given or cash deposit made.

Section 4. Any police magistrate, or two justices of the peace, acting within the judicial district in which any order under this Act has been made, may on the application of the wife, or of her husband, or such other person, and upon cause being shown, upon fresh evidence, to the satisfaction of the Court, at any time alter, vary or discharge any

such order, and may upon any such application from time to time increase or diminish the amount of any weekly or other payment ordered to be made.

Section 6. If the husband, or such other person, shall neglect or refuse to make the payments of any sum or sums of money ordered to be made by any order under this Act, any police magistrate, or two justices of the peace, if he or they think fit, on the application of the wife, or of any person acting on her behalf, or on behalf of any child, or children, for whose support and maintenance such payment should have been made, may order such husband, or other person, to be committed to the common gaol, for a period of *not exceeding forty days with or without hard labor*, and such husband, or other person, shall then be imprisoned in accordance with such order.

(a) Any such sum, or sums, of money so ordered to be paid shall constitute a debt recoverable from such husband, or other person, by action at law in any Court of competent jurisdiction at the suit of the wife, or of any person acting on her behalf, or on behalf of any child, or children, for whose support or maintenance such payments should have been made.

Section 7. Proceedings under this Act may be instituted upon the complaint made under oath, or affirmation, by any such wife or child, or children, or by any charitable organization or society acting on her, or their, behalf, against any person against whom an order referred to in Section 3 hereof, is sought to be made.

Section 8. Applications under this Act may at the discretion of the magistrate or justices be heard in private.

Section 10. In proceedings under this Act, the wife shall be a competent and compellable witness against the husband.

Section 11. Proof of the desertion of such child, or children, or of the neglect or failure to provide for the support and maintenance of such wife or such wife and family, or such child, or children, shall be *prima facie* evidence that such desertion, or neglect, is wilful.

Section 13. The rights given under this Act shall be in addition to those given under "The Married Women's Protection Act," and proceedings may be taken under said Act, or under this Act, or under both of said Acts.

EXTRACTS FROM MARRIED WOMEN'S PROTECTION ACT—R.S.M. 1902,
C. 107

Section 2. A married woman may apply to a County Court judge for an order in case

- (a) Of husband's conviction for assault upon his wife under the Criminal Code; or
- (b) Where husband has deserted her; or
- (c) Whose husband has been guilty of *persistent* cruelty; or

- (d) Habitual drunkenness; or
- (e) Wilful neglect to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain; and shall by such cruelty, habitual drunkenness, or neglect, *have caused her to leave and live separately and apart from him.*

Section 3. The Court to which any application under this Act is made may make an order, or orders, containing all or any of the provisions following, viz.:

- (a) That the wife be no longer compelled to live with her husband.
- (b) That the custody of children up to sixteen years be given to the wife.
- (c) Weekly or monthly payment to the wife.
- (d) Costs.
- (e) Forbidding the husband to enter upon any premises where the applicant may be living apart from her husband.

Section 4. A married woman who has committed an act of adultery not condoned, connived at, or by his wilful misconduct condoned to by the husband, can not obtain an order of protection under this Act.

Section 5. If any married woman upon whose application an order shall be made under this Act, shall voluntarily resume cohabitation with her husband, or shall commit an act of adultery, such order shall upon proof thereof, be discharged.

Section 7. If the husband shall neglect, or refuse to make the payment of any sum of money directed to be paid by any order under this Act, the judge, if he thinks fit, on the application of a married woman, or of the third person on her behalf, to whom such payments may be made, may order the husband to be committed to a common gaol for any period not exceeding *forty days*, with or without hard labor, and such husband shall then be imprisoned in accordance with such order.

Section 8. Every man shall be legally liable to support, maintain, and educate his infant children, or the infant children of his wife, up to the age of *sixteen years*.

Legal separation between man and wife may be a matter of contract between them, without reference to a third party or Court. In this they would be governed by the laws relating to contract.

No protection order can be given to a wife permitting her to live apart from her husband on the ground of husband's adultery.

HUSBAND'S EARNINGS

Extracts from Statutes of Manitoba, 1909

Chap. 2, Section 2. No assignment of, or order for wages or salary to be earned in the future, shall be valid when made by a married man living with his wife, unless the written consent of his wife to the making of such assignment, or order, is attached thereto, or endorsed thereon.

4. GUARDIANSHIP, CUSTODY AND SUPPORT OF CHILDREN

Re Guardianship of Children

Provision is made in the Married Women's Protection Act that a woman applying for protection may be given the legal custody of any children under the age of sixteen of the marriage between the applicant and her husband.

Chap. 79, R. S. M., 1902. Guardian may be either man or woman.

Section 7. A mother or other guardian may be appointed by the Surrogate Court as guardian to a minor (under the age of twenty-one years) notwithstanding any testamentary provision to the contrary, or appointment of any other guardian (by the father).

Section 11. Guardian may be appointed by Surrogate Court on application of friends of minor upon notice given to mother.

Custody of Children

At common law : At common law the father has natural jurisdiction over and a right to the custody of his child during infancy. The mother has, generally, during the lifetime of the father, no rights as against him with respect to the custody or control of the child, and on death of father, the mother is the natural guardian.

The father may be deprived of custody when he has so conducted himself, or has placed himself in such a position as to render it not *merely better* for the children that they should be removed, but *essential to their safety or welfare* in some very serious or important respect.

Under a protection order given to the mother, she may be given the custody of her children up to *sixteen years* of age.

This does not apply to illegitimate children.

Maintenance of Children—Section 8, M. W. Prot. Act

Every man shall be legally liable to support, maintain and educate his infant children, or the infant children of his wife, up to the age of sixteen years.

M. W. Property Act—Section 19

A married woman shall be subject to all such liability for the maintenance of her children as a husband is now by law subject to for the maintenance of his children, provided always that nothing in this Act shall relieve her husband from any liability imposed on him by law to maintain her children.

5. GUARDIANSHIP AND MAINTENANCE OF ILLEGITIMATE CHILDREN

Extracts from an Act to Provide for the Maintenance of Illegitimate Children

An unmarried woman who is about to become a mother may take proceedings before a magistrate who after hearing the statement of the woman, may issue a summons requiring the attendance before him of the putative father.

The putative father may then be required to enter into a bond in a sum not exceeding \$250, with sufficient sureties conditioned for his appearance upon any warrant or summons issued under this Act after the birth of such child.

If he does not furnish such bond or security he may be committed to gaol until such order of filiation is made or refused, or until such bond or security is given.

Section 5. (1) As soon as is convenient after a birth of an illegitimate child the mother and the putative father must appear before the magistrate.

Section 6. (1) After the magistrate has heard the evidence of the mother, the putative father, and any other evidence which is adduced before him, he may

(2) Unless he discharge the putative father, make an order of filiation requiring him to pay to the mother or, in his discretion, to any person or charitable organization or society on behalf of the mother of the child.

- (a) The expenses incidental to the lying-in and maintenance of the mother and to the birth and maintenance of the child up to the date of the order, and
- (b) The expenses of the funeral of the child if it has died before the making of such order, or,
- (c) If it has not died, such sum of money weekly towards the maintenance of such child for such period as he considers right, respect being had to the ability and prospective means of the putative father.

Section 9. If a putative father, after an order of filiation is made or confirmed, fails to furnish a bond, or to pay the lump sum fixed by the magistrate, he may be committed to gaol for a term not less than six months; and not more than twelve months, with hard labor, or until he furnishes such bond, or pays such lump sums and pays the costs and charges attending such commitment and conveying to gaol.

Section 10. Where a person, against whom an order of filiation is made, fails to fulfil the terms of such order, and has not been committed to gaol the magistrate on the application of the mother, or of any person on her behalf, may issue a warrant of distress against such putative father to levy of his goods and chattels such lump sum fixed as aforesaid, and costs.

(2) In the alternative the magistrate may commit the putative father to gaol, with hard labor, for a term not less than one month, and not more than twelve months.

Part II, Section 17. (1) The putative father of every illegitimate child shall be liable to contribute :

- (a) To the medical and all other expenses connected with the birth of such child, its maintenance and education until it

is able to maintain itself, and with its burial in case it dies before becoming able to maintain itself, and

- (b) To the expenses of the maintenance and care, medical and otherwise, of the mother of such child during three months next previous to its birth, and during such period after its birth as medical or other special and unusual care and nursing are necessary in connection with or as a consequence of the birth of such child, and
- (c) To the expenses of the burial of the mother in case of her death at or in consequence of the birth of such child; no such child who is under the age of *fifteen years* shall be deemed able to maintain itself.

6. IN MANITOBA THERE IS NO "DOWER" OR "TENANCY BY COURTESY"

(See "*Definitions.*" Chapter IX)

7. INSURANCE POLICIES EFFECTED FOR THE BENEFIT OF WIFE OR CHILDREN

Shall be exempt from attachment for debts, due either by the insured or by the beneficiaries.

The insured person has the power to revoke or alter the appropriation of the policy; or to change the beneficiary, without the consent of the beneficiary.

CHAPTER II.—PROPERTY, CONTRACT AND EARNINGS

General Statements :—The law as to movable property follows the owner.

The law as to real estate is that of the place in which the realty is situated.

- (b) An unmarried woman, a widow, or a married woman is as free to enter into contract, and to possess, acquire and administer her affairs as a man. Can sue and be sued.
- (c) May be an executrix, an administrator or trustee.
- (d) Has right to possession of her own earnings.
- (e) A married woman may secure a protection order for the earnings of her minor children under certain circumstances.

EXTRACTS FROM "MARRIED WOMEN'S PROPERTY ACT"

Contracts—*Chap. 106, R. S. M. 1902.*

Section 11. A married woman shall be capable of entering into and rendering herself liable on any contract, and of suing and of being sued; in contract or in tort, or otherwise, in all respects as if she were a "feme sole," and her husband need not be joined with her as Plaintiff or Defendant, or be made a party to any action, or other legal proceeding brought by, or taken against her; and any damages or costs recovered by her in any such action, or proceeding, shall be her property; and any damages or costs recovered against her in any such action or proceeding, shall be payable out of her property, and not otherwise.

Section 14. If any investment in any property shall have been made by a married woman, by means of moneys of her husband, without his consent, the Court may order such investment and the dividends thereof, or any part thereof, to be transferred and paid respectively to her husband; and nothing in this Act contained shall give validity as against creditors of the husband, to any gift by a husband to his wife of any property in fraud of his creditors, or to any deposit or other investment of moneys of the husband, made by or in the name of his wife in fraud of his creditors; but any property or moneys so deposited, or invested, may be followed as if this Act had not been passed.

Ante-Nuptial Debts

Section 15. A married woman after her marriage shall continue to be liable in respect of and to the extent of her property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her property; and as between her and her husband, unless there be any contract between them to the contrary, her property shall be deemed to be primarily liable for all such debts, contracts, or wrongs, and for all damages or costs recovered in respect thereof.

Section 16. A husband shall be liable for the debts of his wife contracted and for all contracts entered into and wrongs committed by her before marriage to the extent of all property whatsoever belonging to his wife which he shall have acquired, or become entitled to from or through his wife after deducting therefrom any payments made by him and any sums for which judgment may have been bona fide recovered against him in any proceeding at law, in respect of any such debts, contracts or wrongs, for and in respect of which his wife was liable before her marriage as aforesaid; but he shall not be liable for the same any further or otherwise; and any Court in which a husband shall be sued for any such debt shall have power to direct any inquiry, or proceedings, which it may think proper for the purpose of ascertaining the nature, amount, or value of such property.

Section 18. Nothing in this Act shall interfere with or affect any settlement, or agreement for a settlement, made or to be made whether before or after marriage respecting the property of a married woman, etc.

Section 19. A married woman shall be subject to all such liability for the maintenance of her children as a husband is now by law subject to for the maintenance of his children. Provided always that nothing in this Act shall relieve her husband from any liability imposed on him by law to maintain her children.

Protection of Earnings of Minor Children

Section 20. Any married woman may obtain an order of protection, entitling her notwithstanding her coverture (see Definitions, Chap. X) to have and to enjoy all the earnings of her minor children, and any acquisitions therefrom free from the debts and obligations of her husband, and from his control or disposition, and without his consent, in as full and ample a manner as if she continued sole and unmarried.

- (1) If she has a judgment for alimony against her husband.
- (2) If she lives apart from her husband, having been obliged to leave him on account of any cause justified by law and renders him liable for her support.
- (3) If her husband is a lunatic, with or without lucid intervals.
- (4) If her husband is undergoing sentence of imprisonment for a criminal offence.
- (5) If her husband from habitual drunkenness, profligacy or other cause neglects or refuses to provide for her support and that of her family.
- (6) If her husband has never been in this Province.
- (7) If her husband has deserted or abandoned her.
 - (a) Such married woman may at any time apply, or the husband, or any of the husband's creditors, may at any time on notice to the married woman apply for the discharge of the order of protection.
 - (d) The order for protection shall have no effect until it is filed.

- (e) The order for discharging an order of protection shall take effect from the time it is made.

Section 21. For the purpose of this Act, the legal representative of any married woman shall in respect of her property, have the same rights and liabilities, and be subject to the same jurisdiction as she would have or be subject to, if she were living.

CHAPTER III.—WILLS, INTESTACY AND DEVOLUTION OF PROPERTY

General Statements :

- (a) An unmarried woman, a widow or a married woman can be an executrix, an administrator, or trustee.
- (b) A person making a will must be of the age of twenty-one years.
- (c) Property may be left by will as it pleases the individual.
- (d) Any person making a will (testator) must be of sound mind.
- (e) All wills must be in writing and must be signed at the end of the will by the testator, or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator; but no form of attestation shall be necessary.
- (f) Marriage, or re-marriage, of a man or woman revokes a will except a will made in the exercise of a power of appointment.

EXTRACTS FROM THE WILLS ACT

Section 10. A holograph will is valid in Manitoba and is a will which is wholly written and signed by the testator himself. It shall be subject to no particular form nor shall it require an attesting witness, or witnesses:

Section 12. Any one witnessing a will bars his or her right to any bequest in that will and nullifies any legacy left to the wife or husband of the witness.

Section 15. Every will shall be revoked by the marriage of the testator, except a will made in the exercise of a power of appointment where the real or personal estate thereby appointed would not in default of such appointment pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin.

Section 16. No will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

Section 18. Alterations in a will after execution are not valid unless executed in a like manner as is required for the execution of the will; but the will with such alteration shall be deemed duly executed if the signature of the testator and the subscription of the witnesses are made in the margin or in some part of the will opposite or near to such alteration at the end of the will.

DEVOLUTION OF ESTATES OF DECEASED PERSONS—AND INTESTACY

Devolution of Estates Act. Chap. 48—R.S.M. 1902

Section 19. No widow shall be entitled to dower in the land of her deceased husband; but she shall have the same right in such land as if it were personal property.

Section 20. No husband shall be entitled to a tenancy by courtesy in his wife's estate; but a husband shall take such interest in the land of his wife as a wife has in the estate of her deceased husband.

INTESTACY

A man dying intestate one-third of the estate goes to the widow, two-thirds in equal shares to the child or children; if no children or issue of children, the widow takes the whole; if no widow, or issue, the whole goes to the father; if no widow, issue, or father, then to the mother, brothers and sisters in equal shares. If no father, brothers, or sisters, widow or issue, the whole shall go to his mother.

The separate property of a married woman dying intestate is distributed in the proportions and in the same manner as the property of a husband dying intestate.

AN ACT FOR THE RELIEF OF WIDOWS AND CHILDREN

Chap. 98, Statutes of Manitoba, 1912

Section 1. In case of the death intestate of a farmer, whose widow desires to carry on the farming business of her late husband for the benefit of herself and of her infant children, with capital belonging to herself and them, the administrator may in his discretion permit her to do so for so long as he may deem advisable, and shall not be responsible for losses in connection with such business while so carried on by the widow; but such widow shall in due course make good to such children and their representatives all such losses and shall also account to the administrator for the profits of the business, less a reasonable allowance for her services in carrying on such business and for the cost of maintaining and educating the children while so doing.

Section 2. Act in force on first day of May, A.D. 1912, and shall affect the estates of all persons dying after that date.

CHAPTER IV.—FRANCHISE

1. PROVINCIAL

(a) *Elector*. Qualifications for electors are they must be of the male sex, of the full age of twenty-one years, and British subjects by birth, or naturalization.

(b) *Candidates*. Must be of the male sex, of the full age of twenty-one years, and subjects of His Majesty by birth or naturalization.

2. DOMINION

(a) *Elector*. The qualifications necessary to entitle any person to vote at a Dominion election in any Province shall, except as herein otherwise provided, be those established by the laws of that Province as necessary to entitle such person to vote in the same part of the Province at a Provincial election.

(b) *Candidates*. Except as in this Act otherwise provided, any British subject may be a candidate in an election for a seat in the House of Commons.

Disqualifications for Provincial Electors

(a) Judges of Court of King's Bench or of the County Courts.

(b) Indians, or persons of Indian blood receiving an annuity or treaty money from the Crown, or who have at any time within three years prior to the said date received such annuity or treaty money.

(c) Any one convicted of corrupt practices at Legislative elections.

(d) Lunatics, idiots, persons of unsound mind, and persons confined in any gaol, penitentiary, asylum, or other public institution as inmates or prisoners.

3. MUNICIPAL

(A) *Elector*. The Municipal Act, Section 58, subject to the provisions of the twelve next following sections, the right of voting at the municipal elections shall belong to the following persons, being *male or female*, of the full age of twenty-one years, and subjects of His Majesty by birth or naturalization, being rated to the amount hereinafter provided on the revised assessment roll of the municipality, upon which the list of electors used at the election is based, for real property held in their own right and having received no reward, and having no expectations of reward for voting.

(a) All persons whether resident or not who are in their own right at the date of the election *freeholders* of the municipality.

(b) All residents of the municipality who have resided therein for one month next before the final revision of the list of electors, and who are, at the date of such final revision, *householders or tenants* in the municipality.

(c) All residents of the municipality at the date of the final revision of the list of electors, who are farmers' sons and have resided in the municipality, on the farms of their fathers or mothers, for twelve months next prior to the return by the assessors of the assessment roll on which the list of electors used in the election is based.

(d) The fixed assessment in the case of freeholders is \$100. In the case of householders the fixed assessment shall be \$200, which is the value of the property he inhabits.

(e) In the City of Winnipeg only freeholders can vote on Money By-laws.

(B) *Candidates.* Women are not eligible as candidates for municipal offices; but they are eligible as candidates for office on the School Board.

4. - SCHOOL

Women are qualified on the same conditions as men to be either electors, or candidates for the office of school trustee.

Qualifications for School Trustee

In Rural Districts a candidate for office of School Trustee must be an *actual resident ratepayer* and *freeholder*; of the age of 21 years; a British subject; able to read and write.

In Cities, Towns and Villages a candidate for office of School Trustee must be an *actual resident ratepayer*; of the age of 21 years; a British subject; able to read and write.

CHAPTER V.—NATURALIZATION

An alien woman marrying a British subject becomes a British subject.

Aliens (men or women) may take, acquire, hold, and dispose of any real and personal property and may derive title to real and personal property through, from, or in succession to an alien in the same manner as through, from, or in succession to a natural born British subject.

An alien may hold no office or have any municipal, legislative or other franchise with certain exceptions—re Mennonites.

EXTRACTS FROM NATURALIZATION

R. S. C. 1906, Chap. 77

A British subject is a person who is born within British Dominions, or is the child of a father who is a British subject.

Any alien man, or unmarried woman, may take oath and apply for a certificate as British subject who has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada, or any Provinces of Canada, or two or more of such Governments, for a term of not less than three years; and intends to reside in Canada, or to serve under the Government of Canada, or the Government of one of the Provinces, or two or more of such Governments.

Status of Married Women and Infant Children. Chap. 77.

Section 32. A married woman shall, within Canada, be deemed to be a subject of the State of which her husband is for the time being a subject.

Section 33. A widow, who is a natural born British subject, and who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of readmission to British nationality within Canada as hereinbefore provided.

Section 34. If the father, being a British subject, or the mother, being a British subject and a widow, becomes an alien, every child of such father or mother, who during infancy has become a resident in the country where the father or mother is naturalized, shall within Canada be deemed an alien, and not a British subject.

Section 35. If the father, or mother being a widow, obtains a certificate of readmission, any child in infancy becoming with them resident in Canada, resumes position as British subjects.

CHAPTER VI.—FEMALE EMPLOYMENT

Manitoba Statutes, 1913. Chap. 19

An Act to prevent the employment of female labor in certain capacities.

Section 1. No person shall employ in any capacity any white woman or girl, or permit any white woman or girl to reside, or lodge in, or to work in, or, save as a bona fide customer in a public apartment thereof only, to frequent any restaurant, laundry, or other place of business or amusement, owned, kept, or managed by any Japanese, Chinaman, or other Oriental person.

Section 2. Any employer guilty of any contravention, or violation of this Act, shall, upon summary conviction, be liable to a penalty not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding two months.

1.—EXTRACTS FROM FACTORY ACT

"Factory" is defined by the Act so as to include Schedule "A" and also so as to mean any place as set forth in sub-sections (b) and (c) of Section 2, and does not include a private house where steam, water, or other mechanical power is not used in aid of the manufacturing process carried on there, and where the only persons employed are members of the same family dwelling there.

Schedule "A" includes all factories per se and abattoirs, bake-houses and bakeshops, breweries, distilleries, dressmaking establishments, grain elevators, laundries, millinery shops, and tailor shops.

Interpretation of Act

The expression "child" means a male person under the age of fourteen years and a female person under the age of fifteen years.

The expression "young girl" means a girl of the age of fourteen years or upwards, and under the age of eighteen years.

The expression "woman" means a woman of eighteen years of age, or upwards.

The expression "parent" means and includes a parent or guardian of or a person having the legal custody of or control over, or having direct benefit from the wages of a child or young girl.

Section 4. No child or children shall be employed in any factory.

Section 5. The Lieutenant-Governor may from time to time by Order-in-Council, notice of which shall be published in the Manitoba Gazette, prohibit the employment of girls under the age of eighteen years, and of boys under the age of sixteen years, in factories to work in which is deemed by the Lieutenant Governor in Council to be either dangerous or unhealthy.

Section 10. It shall not be lawful to employ in any factory any young girl or woman so that the health of such young girl or woman is likely to be permanently injured and whoever so employs any such young girl or woman shall upon summary conviction thereof, incur and be liable to imprisonment in the common gaol of the judicial district where the offence has been committed for a period not exceeding six months, or to a fine of not more than one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid.

Section 11. To employ in a factory any young girl or woman shall be deemed to be unlawful and to be an employing so that the health of such young girl or woman is likely to be permanently injured if in that factory there is any contravention of the following provisions of this section, that is to say :

(a) It shall not be lawful for a young girl or woman to be employed for more than nine hours in one day, nor more than fifty-four hours in one week unless a different apportionment of hours of labor per day has been made for the sole purpose of giving a shorter day's work on Saturday.

(b) In every factory the employer shall allow every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited with respect to the employment of young girls and women.

(c) If the inspector so directs in writing, the employer shall not allow any young girl or woman to take meals in any room wherein any manufacturing process is being then carried on, and if the inspector so directs in writing, the employer shall at his own expense provide a suitable room, or place in the factory, or in connection therewith, for the purpose of a dining and eating room for the persons employed in the factory.

Section 12. Subject to regulation by the Lieutenant Governor in Council, the factory inspector has power to give permission to the employer for exemption from observance of the provisions as set forth in this section (under certain regulations as found in Section 13).

(a) Where any accident which prevents the working of any factory happens to the motive power of any machinery, or

(b) Where from any other occurrence beyond the control of the employer, the machinery or any part of the machinery of any factory, can not be regularly worked, or

(c) Where the customs or exigencies of certain trades require that the young girls or women working in a factory or in certain processes in a factory shall be employed for a longer period than as hereinabove provided.

Section 13. (a) No woman or young girl shall be employed before the hour of seven o'clock in the morning, nor after the hour of ten o'clock in the evening; and

(b) The hours of labor for women and young girls shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week; and

(c) Such exemption shall not comprise more than thirty-six days in the whole in any twelve months; and in reckoning such period of thirty-six days every day on which any young girl or woman has been employed overtime shall be taken into account; and

(d) During the continuance of such exemption, there shall in addition to the hour for the noon-day meal provided for by the eleventh section of this Act be allowed to every woman and young girl so employed in the factory on any day to an hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon.

(e) In every factory to or with respect to which any such permission for exemption is so given, there shall in compliance with the provisions of the fifteenth section of this Act be affixed a notice specifying the extent and particulars of such exemption.

Section 15. Notice of the hours between which young girls and women are to be employed shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant Governor in Council, or until such form is provided in the form given by this Act, and shall be signed by the inspector and by the employer and shall be hung up during the period affected by such notice in such conspicuous place, or places, in the factory as such inspector requires.

Section 16. A young girl shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power.

Section 17. A young girl or woman shall not be allowed between such part of the machinery in a factory as is mill-gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

Section 18. A young girl or woman shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water or other machinery power.

Section 20. Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance.

Section 21. A factory shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and a notice shall be posted in such room specifying the number of employees who shall be allowed to work in such room.

Section 22. Every factory shall be ventilated in such a manner as to render harmless so far as reasonably practicable all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

Section 23. In every factory there shall be kept provided a sufficient number and description of privies, earth or water closets and urinals

for the employees of such factories, such closets and urinals shall at all times be kept clean and well-ventilated and separate sets thereof shall be provided for the use of the male and female employees, and shall have respectively separate approaches.

Section 41. The Lieutenant Governor in Council may from time to time appoint a female inspector for the purpose of carrying out this Act in addition to the other inspectors by law directed.

Section 68. A person shall not be liable in respect of the repetition of the same kind of an offence from day to day to any larger fine, penalty or punishment than the highest fine, penalty or punishment fixed for this Act for the offence except

(b) Where the offence is one of employing a child or two or more young girls or women contrary to the provisions of this Act.

Section 71. Where an alleged child or young girl is in the opinion of the Court apparently of the age alleged by the informant, it shall lie on the Defendant to prove that the child or young girl is not of that age.

2.—EXTRACTS FROM SHOPS REGULATION ACT

Interpretation

Section 19: (a) The expression "shop" means any wholesale or retail shop, store, booth, stall or warehouse, in which assistants are employed for hire.

(b) The expression "young person" means any boy under the age of fourteen years, and any girl under the age of sixteen years, as the case may be, but does not mean or include any person whose usual and ordinary employment in or about a shop is that of a driver of a delivery wagon, van or vehicle.

(e) The expression "parent" means a parent or guardian of or a person having the legal custody of or the control over, or having direct benefit from the wages of a child or young person.

Section 20. A young person shall not be employed in or about a shop for a longer period than seventy-four hours including meal times in any one week; nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different apportionment of the hours of labor per day has been made for the sole purpose of giving a shorter day's work on some other day of the week; and there shall be allowed as meal times to every young person so employed not less than one hour for the noon-day meal of each day and to every young person so employed on any day to any hour later than seven of the clock in the afternoon not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon.

Section 21. Where any young person is employed in or about a shop contrary to the provisions of the last preceding section, the em-

ployer shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars for each person so employed, with costs of the prosecution, and in default of immediate payment of such fine and costs to be imprisoned for a period not exceeding one month.

Section 22. The parent of any young person employed in a shop in contravention of the last two preceding sections shall, unless such employment be without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof, incur and pay a fine as in preceding section.

Section 23. The occupier of any shop in which are employed females shall at all times provide and keep therein a sufficient suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop; and any person offending against any provisions of this section shall, upon conviction thereof, be liable to a fine as in preceding sections.

Section 24. In every shop in which any young person is employed, there shall be kept exhibited by the employer in a conspicuous place a notice referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed therein; and such notice may be according to the form in Schedule "A" to this Act.

Section 27. Where a young person is in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the Defendant to prove that the young person is not of that age.

CHAPTER VII.—EXTRACTS FROM CRIMINAL CODE

RELATING TO THE LAW OF MARRIAGE

A Dominion Act

Section 311. Every one who

(a) Without lawful authority, the proof of which shall lie on him, solemnizes, or pretends to solemnize any marriage, or

(b) Procures any person to solemnize any marriage, knowing that such person is not lawfully authorized to solemnize such marriage, or knowingly aids or abets such person in performing such ceremony, is guilty of an indictable offence, and liable to a fine, or two years' imprisonment, or to both.

Section 308. Any one who is convicted of bigamy is liable to seven years' imprisonment.

Section 309. (1) Every one who procures a feigned or pretended marriage between himself and any woman, and every one who knowingly aids and assists in procuring such feigned or pretended marriage is guilty of an indictable offence and liable to seven years' imprisonment.

Section 312. Every one who being lawfully authorized, knowingly and willingly solemnizes any marriage in violation of the laws of the Province in which the marriage is solemnized is guilty of an indictable offence, and liable to a fine or to one year's imprisonment.

Chap. 146, R.S., 1906

The fact that an offender is ignorant of the law is not an excuse for any offence committed by him.

RAPE

Section 299. Every one who commits rape is guilty of an indictable offence and liable to suffer death, or to imprisonment for life.

Section 300. Every one is guilty of an indictable offence and liable to seven years' imprisonment who attempts to commit rape.

Section 301. Every one is guilty of an indictable offence and liable to imprisonment for life and to be whipped, who carnally knows any girl under the age of fourteen years, not being his wife; whether he believes her to be of or above that age or not.

Section 302. Every one who attempts to have unlawful carnal knowledge of any girl under the age of fourteen years, is guilty of an indictable offence and liable to two years' imprisonment, and to be whipped.

ABORTION

Section 303. Every one is guilty of an indictable offence and liable to imprisonment for life who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any drug or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent.

Section 304. Every woman is guilty of an indictable offence and liable to seven years' imprisonment who, whether with child or not, unlawfully administers to herself or permits to be administered to her any drug or other noxious thing, or unlawfully uses on herself or permits to be used on her any instrument or other means whatsoever with intent to procure miscarriage.

Section 305. Every one is guilty of an indictable offence and liable to two years' imprisonment who unlawfully supplies or procures any drug or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child.

Section 207. Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse

(c) Offers to sell, advertise, publishes an advertisement of, or has for sale or disposal, any medicine, drug, or article intended or represented as a means of preventing conception or of causing abortion or miscarriage.

NEGLECT IN CHILDBIRTH AND CONCEALING OF DEAD BODY

Section 271. Every woman is guilty of an indictable offence who with either of the intents hereinafter mentioned, being with child and being about to be delivered, neglects to provide reasonable assistance in her delivery, if the child is permanently injured thereby, or dies, either just before, or during, or shortly after birth, unless she proves that such death or permanent injury was not caused by such neglect, or by any wrongful act to which she was party, and is liable

(a) If the intent of such neglect be that the child shall not live, to imprisonment for life.

(b) If the intent of such neglect be to conceal the fact of her having had a child, to imprisonment for seven years.

Section 272. Every one is guilty of an indictable offence and liable to two years' imprisonment who disposes of the dead body of any child in any manner, with intent to conceal the fact that its mother was delivered of it, whether the child died before, or during, or after birth.

Section 306. Every one is guilty of an indictable offence and liable to imprisonment for life who causes the death of any child which has not

become a human being, in such a manner that he would have been guilty of murder if such child had been born.

(2) No one is guilty of any offence, who by means which he in good faith considers necessary for the preservation of the life of the mother of the child, causes death of any such child before or during birth.

SEDUCTION

Section 210. The burden of proof of previous unchastity on the part of the girl or woman under the three next succeeding sections, shall be upon the accused. (Passed April 4, 1900).

Section 211. Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces or has illicit connection with any girl of previously chaste character of or above the age of fourteen years, and under the age of sixteen years.

Section 212. Every one, above the age of twenty-one years, is guilty of an indictable offence and liable to two years' imprisonment, who, under promise of marriage, seduces and has illicit connection with any unmarried female of previously chaste character, and under twenty-one years of age.

Compare Sections 211 and 212. The penalty under both these sections is two years' imprisonment. In Section 211 the girl must be between fourteen and sixteen years of age—the offender may be of any age—previous chastity of the girl is a condition.

Under Section 212, the girl must be under twenty-one *and unmarried*—the offender must be over twenty-one—previous chastity of the girl is a condition, also that the act was done under promise of marriage. Therefore, if the girl is over sixteen and no promise to marry has been given, and the act unaccompanied by violence, she has no remedy under the Criminal Code.

Section 213. Every one is guilty of an indictable offence and liable to two years' imprisonment

(a) Who, being a guardian, seduces or has illicit connection with his ward; or

(b) Who seduces or has illicit connection with any woman or girl previously chaste and under the age of twenty-one years, who is in his employment in a factory, mill, workshop, shop or store, or who, being in a common, but not necessarily similar, employment with him in such factory, mill, workshop, shop or store, is, in respect of her employment or work in such factory, mill, workshop, shop or store, under or in any way subject to his control or direction or receives her wages or salary directly or indirectly from him.

Section 214. Every one is guilty of an indictable offence and liable to a fine of four hundred dollars, or to one year's imprisonment, who, being the master or other officer or a seaman or other person employed on board of any vessel, while such vessel is in any water within the jurisdiction of the Parliament of Canada, under promise of marriage, or by

threats, or by the exercise of his authority, or by solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger.

(2) The subsequent intermarriage of the seducer and the seduced is, if pleaded, a good defence to any indictment for any offence against this or either of the two last preceding sections, except in the case of a guardian seducing his ward.

Section 215. Every one who, being the parent or guardian of any girl or woman, who

(a) Procures such girl or woman to have carnal connection with any man other than the procurer; or

(b) Orders, is party to, permits or knowingly receives the avails of the defilement, seduction or prostitution of such girl or woman, is guilty of an indictable offence, and liable to fourteen years' imprisonment if such girl or woman is under the age of fourteen years, and if such girl or woman is of or above the age of fourteen years to five years' imprisonment.

Section 216. Every one is guilty of an indictable offence and shall be liable to five years' imprisonment and on any second or subsequent conviction shall also be liable to be whipped in addition to such imprisonment who

(a) Procures, or attempts to procure or solicits any girl or woman to have unlawful carnal connection; either within or without Canada, with any other person or persons; or

(b) Inveigles or entices any woman or girl not being a common prostitute, or of known immoral character, to a common bawdy or assignation house for the purpose of illicit intercourse or prostitution; or

(c) Knowingly conceals any woman or girl in any common bawdy or assignation house; or

(d) Procures or attempts to procure any woman or girl to become either within or without Canada, a common prostitute; or

(e) Procures or attempts to procure any woman or girl to leave her usual place of abode in Canada, such place not being a common bawdy house, with intent that she may become an inmate or frequenter of a common bawdy house within or without Canada; or

(f) On the arrival of any woman or girl in Canada, directs or causes her to be directed, takes or causes her to be taken, to any common bawdy house or house of assignation; or

(g) Procures any woman or girl to come to Canada, or to leave Canada, for the purpose of prostitution; or

(h) By threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either within or without Canada; or

(i) For the purposes of gain, exercises control, direction or influence over the movements of any woman or girl in such manner as to show that he is aiding, abetting or compelling her prostitution with any person or generally; or

(j) By false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either within or without Canada; or

(k) Applies, administers to, or causes to be taken by any woman or girl any drug, intoxicating liquor, matter, or thing to enable any person to have unlawful carnal connection with such woman or girl; or

(l) Being a male person, lives wholly or in part on the earnings of prostitution.

(2) Where a male person is proved to live with or to be habitually in the company of a prostitute or prostitutes, and has no visible means of support, or to live in a house of prostitution, he shall, unless he can satisfy the Court to the contrary, be deemed to be living on the earnings of prostitution.

Section 217. Every one who, being the owner or occupier of any premises, or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of eighteen years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally, is guilty of an indictable offence, and is liable

(a) To ten years' imprisonment if such girl is under the age of fourteen years;

(b) To two years' imprisonment if such girl is of or above the age of fourteen years.

Section 218. Every one is guilty of an indictable offence and liable to two years' imprisonment who conspires with any other persons by false pretences, or false representations, or other fraudulent means, to induce any woman to commit adultery or fornication.

Section 219. Every one is guilty of an indictable offence and liable to four years' imprisonment who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any female idiot or imbecile, insane or deaf and dumb woman or girl under circumstances which do not amount to rape, but where the offender knew, or had good reason to believe at the time of the offence, that the woman or girl was an idiot, or imbecile, or insane or deaf and dumb.

Section 220. Every one is guilty of an indictable offence and liable to a penalty not exceeding one hundred dollars and not less than ten dollars, or six months' imprisonment

(a) Who, being the keeper of any house, tent or wigwam, allows or suffers any unenfranchised Indian woman to be or remain in such house, tent or wigwam knowing or having probable cause for believing that such Indian woman is in or remains in such house, tent or wigwam with the intention of prostituting herself therein; or—

(b) Who, being an Indian woman, prostitutes herself therein; or

(c) Who, being an unenfranchised Indian woman, keeps, frequents or is found in a disorderly house, tent or wigwam used for any such purpose.

2. Every person who appears, acts or behaves as master or mistress, or as the person who has the care or management, of any house, tent or wigwam in which any such Indian woman is or remains for the purpose of prostituting herself therein, is deemed to be the keeper thereof, notwithstanding he or she is not in fact the real keeper thereof.

Section 309. Every one is guilty of an indictable offence and liable to seven years' imprisonment who procures a feigned or pretended marriage between himself and any woman, or who knowingly aids and assists in procuring such feigned or pretended marriage.

ABDUCTION

Section 313. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, with intent to marry or carnally know any woman, whether married or not, or with intent to cause any woman to be married to or carnally known by any other person, takes away or detains any woman of any age against her will.

Section 314. Every one is guilty of an indictable offence and liable to fourteen years' imprisonment who, with intent to marry or carnally know any woman, or with intent to cause any woman to be married or carnally known by any person

(a) From motives of lucre takes away or detains against her will any woman of any age who has interest, whether legal or equitable, present or future, absolute, conditional or contingent, in any real or personal estate, or who is presumptive heiress or co-heiress or presumptive next-of-kin to any one having such interest;

(b) Fraudulently allows, takes away or detains any woman being under the age of twenty-one years, out of the possession and against the will of her father or mother or of any other person having the lawful care or charge of her with intent to marry or carnally know her.

Note—Sub-section 2 of this section bars the person convicted of abducting or detaining from taking any estate or interest, legal or equitable, in the real or personal property of the woman abducted or detained.

Section 315. Every one is guilty of an indictable offence and liable to five-years' imprisonment who unlawfully takes or causes to be taken any unmarried girl, who is under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her.

2. It is immaterial whether the girl is taken with her own consent or at her own suggestion or not.

3. It is immaterial whether or not the offender believed the girl to be of or above the age of sixteen.

Section 294. It is no defence to a charge of indictment for any indecent assault on a young person under the age of fourteen years to prove that he or she consented to the act of indecency.

WHIPPING

Section 1060. (4) Whipping shall not be inflicted on any female.

RE CHILDREN

Section 242. Every one who is under legal duty to provide necessities for his child under sixteen years, or for the wife, is criminally responsible for omitting without lawful excuse to do so—if the death of the child or wife is caused, or life endangered, or health is or is likely to be permanently injured by such omission.

Section 242 A. Every one is guilty of an offence and liable on summary conviction to a fine of five hundred dollars, or to one year's imprisonment, or to both, who

(a) As a husband or head of a family, is under a legal duty to provide necessities for his wife or any child under sixteen years of age; or

(b) As a parent or guardian, is under a legal duty to provide necessities for any child under sixteen years of age; and who, if such wife or child is in destitute or necessitous circumstances, without lawful excuse, neglects or refuses to provide such necessities.

Section 242 B. Upon any prosecution under Sections 242 or 242A, evidence that a man has cohabited with a woman or has in any way recognized her as being his wife shall be prima facie evidence that they are lawfully married, and evidence that a man has in any way recognized children as being his children shall be prima facie evidence that they are his legitimate children.

Section 243. A master or mistress who has contracted to provide food, clothing, or lodging for any servant or apprentice under the age of sixteen years is criminally responsible, as in Section 242.

Section 245. Every one is guilty of an indictable offence and liable to three years' imprisonment who unlawfully abandons, or exposes any child under the age of two years, whereby its life is endangered, or its health permanently injured.

THE CHILD IMMIGRATION ACT

R.S.M., 1902—Chap. 21

Section 12. Any person who knowingly brings or causes, or procures to be brought into the Province of Manitoba, any child, who from defective intellect, or disease, or physical infirmity, or any other defect, is unable to follow any trade or calling, or any child of known vicious tendencies, or any child who is known to be an habitual criminal, or who has been reared, or who has resided amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, or idiots, or weak-minded, or defective, or confirmed paupers, or diseased, shall, on summary conviction thereof, before a police magistrate, or two or more

justices of the peace, be liable to a penalty of not more than one hundred dollars, nor less than ten dollars, with costs, and in default of payment of said fine and costs, to imprisonment for any period not exceeding three months.

(For further information regarding laws for the Protection of Children, see pamphlet compiled by F. J. Billiarde, Superintendent of Neglected Children for the Province of Manitoba.)

CHAPTER VIII.—COMPARISONS OF PUNISHMENTS UNDER THE CRIMINAL CODE

Section 211. Seduction of girls between fourteen and sixteen previously chaste—two years' imprisonment, maximum sentence.

Compare *Section 371* : For stealing oysters, or oyster brood, liable to seven years' imprisonment, or a lesser term at discretion of magistrate.

Section 292. Indecent assault on female—two years' imprisonment, maximum sentence.

Compare *Section 364* : For stealing a post-letter-bag, or a letter from a post-bag, or post-office, or any valuables from or out of a post letter, sentence liable to life imprisonment, or not less than three years. ^{and to be whipped}

Section 315. Abduction of girl under sixteen—sentence five years.

Compare *Section 369* : For cattle stealing—fourteen years, maximum sentence.

Section 213. For the seduction of ward, or employee, by her guardian or employer, said ward or employee being under twenty-one years, *two years*.

Compare *Section 552* : For making counterfeit gold or silver coin, *liable to imprisonment for life*.

Section 212. For seduction under promise of marriage by a male over twenty-one years of age, of a female previously chaste, and under the age of twenty-one years, maximum sentence, *two years*.

Compare *Section 373.* Liable to two years for stealing a tree, sapling or shrub of the value of twenty-five dollars, or of the value of five dollars, if growing in any park, pleasure-ground, garden, orchard, or in any ground adjoining or belonging to any dwelling-house.

Section 308. For bigamy, *seven years' imprisonment*.

Compare *Section 384* : Liable to fourteen years who steals anything in, or from any railway station or building, or from any vehicle of any kind on any railway.

Section 215. A parent or guardian procuring or a party to the defilement of a girl or woman over fourteen years of age, *five years' imprisonment*.

Compare *Section 372* : For stealing brass, woodwork, or lead, iron, copper, etc., fixed to any building, or on any building whatsoever, or anything made of metal used for a fence on public or private property or a burial ground, liable to *seven years' imprisonment*.

Section 216. Procuring a girl under twenty-one, and not of known immoral character, liable to *five years' imprisonment, with hard labor*.

Compare *Section 379* : For stealing from the person any chattel, money, or valuable security, liable to a sentence of *fourteen years' imprisonment*.

CHAPTER IX.—MISCELLANEOUS

A. CHAPTER 114—AN ACT RESPECTING “THE MANITOBA ASSOCIATION OF GRADUATE NURSES”

[Assented to February 15th, 1913.]

Whereas the profession of nursing the sick is extensively practised in the Province of Manitoba, and it is expedient for the protection of the public that a certain standard of qualifications should be required of each practitioner of the said profession, and a certain measure of protection should be afforded to such practitioner possessing the said qualifications,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

3. The said “Manitoba Association of Graduate Nurses” may pass by-laws not inconsistent with this Act for—

(a) The government and discipline of its members;

(b) The management of its property;

(c) The registration and admission of members;

(d) For all such purposes as may be necessary for the management and working of the association.

4. The affairs of the association shall be under the management of a board of managers, composed of twelve members, each of whom must be a member in good standing of the association. The said board shall be elected annually, at a meeting of the members called for that purpose, or at the annual meeting of the members of the association, or in such manner as the by-laws of the association may provide. The election of the said board, and all other questions voted on at a meeting of the members of the association, shall be decided by a plurality of the votes of the members present in person, or in such other manner as may be provided by by-law, each member in good standing being entitled to one vote. The said board of managers shall remain in office for the period or periods fixed by the by-laws of the association, and shall continue in office until their successors are appointed. If a member of the said board of managers resign, or should any vacancy or vacancies occur by the death of any member or members, or otherwise, the remaining member or members of the said board shall have power to fill the vacancy or vacancies by the election of a duly qualified member of the association, who shall act until the next annual meeting of the association.

6. The board of managers shall have power to make by-laws, rules and regulations not contrary to law or the provisions of this Act, with power to amend, repeal and re-enact the same, for all purposes relating or bearing on the affairs, business and property of the association, its management, government, aims, objects and interests; the issue of registration certificates; the appointment, functions, duties and removals of all officers or servants of the association, their remuneration; the time at which and place where the annual meetings of the association shall be held, the fixing of the amount of the annual and

admission fee and the collecting thereof; the suspension and expulsion of members; the examination of applicants for registration and the conduct in all particulars of the affairs of the association; but every such by-law and every repeal, amendment and re-enactment thereof, unless in the meantime confirmed at a general meeting of the association duly called for that purpose, shall only have force until the next annual meeting, and in default of confirmation thereat shall at and from that time only cease to have force.

7. All persons who have been for at least one year previous to the coming into force of the Act practising the said profession in Manitoba, shall be entitled to be registered upon producing evidence satisfactory to the registrar of the University of Manitoba of their having so practised; but no person shall be registered under the provisions of this section after the first day of July, 1916.

8. Except as hereinafter provided, any person, resident of the Province of Manitoba, being over the age of twenty-one years, and of good moral character, holding a diploma from a training school for nurses connected with a recognized hospital giving a course of training as provided in section 9 of this Act, shall be entitled, upon the production of such diploma, to be registered under this Act.

9. Except as hereinbefore provided, no person shall be entitled to be registered after the coming into force of this Act unless he or she shall have followed a regular course of training in the following branches of the profession:

FEMALE NURSES.

- (a) Medical nursing, including *materia medica*;
- (b) Surgical nursing, including operative technique and gynaecological nursing;
- (c) Obstetrical nursing (at least seven cases);
- (d) Diseases of children;
- (e) Contagious diseases;
- (f) Dietetics.

MALE NURSES.

- (a) Medical nursing, including *materia medica*;
- (b) Surgical nursing, including operative technique;
- (c) Genito-urinary diseases;
- (d) Diseases of children;
- (e) Contagious diseases;
- (f) Dietetics.

Such training to be for at least three years within a recognized hospital having a daily average of five patients, where there may be a complete course of training, or in any hospital maintaining a training school but with less than an average of five patients daily, provided that such hospital is affiliated with a larger hospital where the course of training hereinbefore provided may be completed; provided, however, that any nursing done or training received outside the hospital, if done or

received under supervision of a registered nurse or qualified practitioner, shall be deemed to be training received within the hospital.

10. All examinations and matters pertaining thereto under this Act shall be determined and conducted by and under the direction of the council of the University of Manitoba, who shall appoint the examiners therefor.

11. Every person registered under this Act shall be known as a registered nurse, and any person not being registered under this Act assuming such title, or using the abbreviation "Reg. N.," or in any manner representing that he or she is a registered nurse, or by false or fraudulent declaration attempting to procure registration under this Act, shall be liable, upon summary conviction before a police magistrate or justice of the peace, to a fine of twenty-five dollars, and, in default of payment, to imprisonment for a period not exceeding six months.

12. This Act shall come into force on the day it is assented to.

B. In Manitoba women were admitted to the study and practice of law in 1912.

CHAPTER X.—DEFINITIONS

COVERTURE—The period of time between marriage and dissolution of marriage (applies only to women).

DOWER—An estate for life to which the wife is entitled on the death of her husband, in the third part of the real estate of which the husband was seized at any time during coverture; and to which any issue, which the wife might have had, might by any possibility have been the heir.

FEME SOLE—An unmarried woman, not a widow.

HOLOGRAPH WILL—A will which is wholly written and signed by the testator himself. It is subject to no particular form, nor shall it require an attesting witness, or witnesses.

INDICTABLE OFFENCE—An offence which can be tried by jury. (Misdemeanor, and what it implies in mode of trial and punishment, has been abolished.)

MINOR OR INFANT—Any male or female under the age of twenty-one years.

PUTATIVE—Reputed.

TENANCY BY COURTESY (Courtesy of England)—A life estate accruing to the husband in the wife's estate of inheritance, of which she was seized during coverture, provided he has had by her lawful issue capable of inheriting the estate.

TORT—The infringement of a legal right which arises otherwise than out of contract, and may cause damage or otherwise.

FREEHOLDER—An owner of real estate.

HOUSEHOLDER—The tenant of a house or place used as a house. Not one who rents a room from the tenant of a house.

RATEPAYER—Any one who pays taxes to a city or municipality.

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